[*English*] 85

Posting of High Court Judges from other States

2376. SHRI N. DENNIS : Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether the Government propose to post one third of the judges of the High Courts from outside the States over which the courts have jurisdiction;

(b) if so, the steps taken in this regard so far; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM) : (a) to (c) The Government have accepted as a policy recommendations of the Law Commission, in its 80th Report, that there should be a convention according to which 1/3rd of Judges in each High Court should be from any other State. The Government decided that this may be implemented either by making initial appointments from outside or by effecting transfers. A beginning in this direction has been made by adopting the policy of having Chief Justices of High Courts from outside. Few initial appointments of puisne Judges from outside have also been made and transfers of some Judges from one High Court to another have also been made after adopting the policy.

85

Criteria to Grant Public Company Status to Private Company

2377. KUMARI UMA BHARTI : Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) the criteria laid down by the Government to accord status of public company to a private company;

(b) the names of companies accorded the status of public company during the last three years; and

(c) the safeguards adopted to ensure that public company status is accorded only to those companies which fulfil the criteria laid down in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM) : (a) Articles of Association determine the status of a company. A company may be registered as a private company if its Articles of Association include provisions under Section 3(1)(iii) of the Companies Act, 1956. These provisions are not required to be included in case of a public company. A private company becomes a public company in certain circumstances, specified in Sections 43, 43A and 44 of the Act and, thereafter, it ceases to be entitled to the privileges and exemptions conferred on private companies under the Companies Act.

(b) The number of private companies which have become public companies under Sections 43, 43A and 44 of the Companies Act is being compiled and will be laid on the table of the House.

(c) The procedural requirements laid down in the Act provide adequate safeguards for conversion from private to public company.

[*Translation*] 86

Repair of National Highway No. 31

2378. SHRI RAM SHARAN YADAV : Will the Minister of SURFACE TRANSPORT be pleased to state :

(a) whether the National Highway No. 31 passing through Khageria has been damaged by floods at several places;

(b) if so, the action taken by the Government for the repair of the highway and the time by which the repair work would be completed; and